

STATE OF NORTH CAROLINA

File No.

County _____ Seat of Court _____

NOTE: [This form is to be used for (1) felony offense(s) and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-342 for DWI offense(s).]

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

JUDGMENT AND COMMITMENT ACTIVE PUNISHMENT FELONY (STRUCTURED SENTENCING)

Name Of Defendant _____

Race _____ Sex _____ DOB _____

Attorney For State _____
 Def. Found Not Indigent Def. Waived Attorney

Attorney For Defendant _____
 Appointed Retained *Crt Rptr Initials* _____

The defendant pled guilty to was found guilty by a jury of pled no contest to

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.

***NOTE:** Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).
 The Court: **PRIOR RECORD LEVEL:** I II III IV V VI

- 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be _____. Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
- 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses.

- The Court: **(NOTE: Block 1 or 2 MUST be checked.):**
- 1. makes no written findings because the prison term imposed is: (a) within the presumptive range of sentences authorized under G.S. 15A-1340.17(c). (b) for a Class A felony. (c) for an adjudication as a violent habitual felon. G.S. 14-7.12. (d) for drug trafficking offenses.
 - 2. makes the aggravating and mitigating factors Determination as set forth on the attached AOC-CR-605. the findings of egregious aggravation for conviction under G.S. 14-27.2A or G.S. 14-27.4A, as set forth on the attached AOC-CR-618 incorporated herein by reference, which require a sentence in excess of that authorized by G.S. 15A-1340.17.
 - 3. imposes the prison term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
 - 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).
 - 5. adjudges the defendant to be an habitual felon to be sentenced as a Class C felon pursuant to Article 2A of G.S. Chapter 14.
 - 6. finds enhancement pursuant to: G.S. 90-95(e)(3) (drugs). G.S. 14-3(c) (hate crime). G.S. 50B-4.1 (domestic violence). G.S. 14-50.22 (gang). Other: _____. This finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
 - 7. finds that the defendant used, displayed, or attempted to use or display a firearm or a deadly weapon at the time of the felony and, pursuant to G.S. 15A-1340.16A, has increased the minimum term of imprisonment to which the defendant would otherwise be sentenced by sixty (60) months. This finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
 - 8. finds the above designated offense(s) is a reportable conviction under G.S. 14-208.6 (check only one)
 - a. and therefore makes the additional findings and orders on the attached AOC-CR-615, Side One.
 - b. but makes no finding or order concerning registration or satellite-based monitoring due to defendant's sentence of life imprisonment without parole.
 - 9. finds the above designated offense(s) involved the physical or mental sexual abuse of a minor. **(NOTE: If offense(s) is not also a reportable conviction in No. 8 above, this finding requires no further action by the court.)**
 - 10. finds that a motor vehicle commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV.
 - 11. finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.
 - 12. finds the above designated offense(s) involved criminal street gang activity. G.S. 14-50.25.

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be sentenced (check only one)

to Death for a Class A felony (see attached Death Warrant and Certificates).

to Life Imprisonment Without Parole for Class A Felony. Class B1 Felony. Violent Habitual Felon. G.S. 14-27.2A or G.S. 14-27.4A with egregious aggravation.

for a minimum term of: _____ months and a maximum term of: _____ months

in the custody of:
 N.C. DOC.
 Sheriff pursuant to G.S. 15A-1352(b).
 Other _____

The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment as a result of this charge(s).

The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.

The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

File Number	Offense	County	Court	Date

The Court further Orders: (check all that apply)

- 1. The defendant shall pay the costs.
- 2. The defendant shall pay a fine of \$ _____.
- 3. Other:

The Court recommends:

- 1. Substance abuse treatment.
- 2. Psychiatric and/or psychological counseling.
- 3. Work release should should not be granted.
- 4. Payment as a condition of post-release supervision, if applicable, or from work release earnings, if applicable, of the items and amounts set out below, **unless otherwise recommended below for restitution.**

Court Costs	Miscellaneous	Fine	Restitution*	Attorney's Fees	SBM Fee	Total Amount Due
\$	\$	\$	\$	\$	\$	\$

*See attached "Restitution Worksheet, Notice and Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

- The Court finds that restitution was recommended as part of the defendant's plea arrangement.
- The Court **does not recommend** restitution be paid as a condition of post-release supervision. from work release earnings.
- The Court Orders payment of restitution prior to all other monetary obligations above.

The Court further recommends:

AWARD OF FEE TO COUNSEL FOR DEFENDANT

- A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APPEAL ENTRIES

- It is ORDERED that the Clerk deliver **two** certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date _____ Name Of Presiding Judge (Type Or Print) _____ Signature Of Presiding Judge _____

ORDER OF COMMITMENT AFTER APPEAL

Date Appeal Dismissed _____ Date Withdrawal Of Appeal Filed _____ Date Appellate Opinion Certified _____

It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the agency named in this Judgment on the reverse and furnish that agency **two** certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date _____ Signature _____ Deputy CSC Assistant CSC
 Clerk Of Superior Court

CERTIFICATION

I certify that this Judgment and Commitment with the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- Appeal Entries (AOC-CR-350)
- Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)
- Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)
- Judicial Findings And Order For Sex Offenders - Active Punishment (AOC-CR-615, Side One)
- Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)
- Additional Findings (AOC-CR-618)
- Victim Notification Tracking Form
- Other: _____

Date _____ Signature _____ **SEAL**

Date Certified Copies Delivered To Sheriff _____ Deputy CSC Assistant CSC Clerk Of Superior Court

Material opposite unmarked squares is to be disregarded as surplusage.

STATE VERSUS

File No.

Name Of Defendant

ADDITIONAL FILE NO.(S) AND OFFENSE(S)

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.

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